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PATENT
Customer No. 22,852
Attorney Docket No. 09812.0178-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Takehiko NAKANO)	Group Art Unit: 2621
)	
Application No.: 10/062,991)	Examiner: Chowdhury, Nigar
)	
Filed: February 1, 2002)	
)	
For: CONTENT)	Confirmation No.: 2851
RECORDING/REPRODUCING)	
APPARATUS AND METHOD,)	
STORAGE MEDIUM AND)	
COMPUTER PROGRAM)	

Attention: Mail Stop Appeal Brief - Patents

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

REPLY BRIEF

Pursuant to 37 CFR § 41.41(a)(1), Appellant presents this Reply Brief in response to the Examiner's Answer mailed on July 26, 2007.

I. Status of Claims

In response to the Appeal Brief filed on April 4, 2007, the Examiner has maintained the rejection of claims 1-26 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,010,801 to Jerding et al. ("*Jerding*").

II. Response to Examiner's Arguments in the Answer

In addition to the arguments for reversal of the outstanding final rejection provided in Appellant's Appeal Brief filed on April 4, 2007, Appellant provides the following remarks regarding the Examiner's Answer ("Answer") mailed on July 26, 2007.

Regarding the rejection of claims 1-26 under 35 U.S.C. § 102(e), the Examiner states, "[i]n order to perform VCR-like function[s] such as rewind, pause, stop, and fast-forward, there must be at least a memory to record the video data from satellites television signals and reproduce the video data from the memory" (Answer at page 8). The Examiner has mischaracterized *Jerding*.

In *Jerding*, the user may rent and view a MOD title for a predetermined duration of time. The user may fast-forward, rewind, play, pause, and stop the video. There is no teaching, in *Jerding*, that the user may record the video. *Jerding* discloses components for a cable television system 10. Subscriber equipment may include cable-ready television sets, video recorders, or computers (col. 4, lines 16-17). This is a generic list of equipment that a user may operate. The video recorder, however, does not record the MOD title.

On-demand titles, like those in *Jerding*, are transmitted from a server. The MOD title may be stored at the server, but the title is not recorded by a "content recording

means for recording content received from the outside." The title is only rented and viewed, not recorded. The user may only view a video during a rental period (col. 18, line 58 - col. 19, line 23). Once the user selects the title to view, the information is transmitted across the network and presented to the user for viewing only during a rental period. No recording occurs.

The Examiner also states, "Jerding discloses that [the] program is recorded in the headend 11. Headend may record content received from outside (satellite television signal). When [the] viewer wish[es] to order [the] program, [the] program reproduces from [the] headend to [the] terminal through [an] optical node" (Advisory Action at pages 2-3). This is not correct.

The Examiner appears to maintain the position that headend 11 records content (Answer at page 8). Headend 11 receives television signals and converts the signals into a format for transmitting them over system 10 (col. 4, lines 5-7). The Examiner has not cited any passage of *Jerding* to support the assertion that headend 11 records a program and reproduces the program. Appellant finds no teaching or suggestion in *Jerding* that headend 11 records a program or reproduces the program, and submits that no element in *Jerding* constitutes the claimed "content recording means for recording content received from the outside."

Jerding does not teach or suggest receiving the content from the outside and recording the received content. Therefore, *Jerding* does not teach a content recording/reproducing apparatus including a "content recording means for recording content received from the outside," as recited in claim 1. Moreover, *Jerding* does not teach a content recording/reproducing apparatus including a "content reproduction means

for reproducing said recorded content" and a "reproduction control means for controlling a reproducing operation of said content reproduction means in accordance with said viewable period of said recorded content," as further recited in claim 1.

Jerding fails to teach the claimed subject matter, including at least these elements. Accordingly, *Jerding* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons. Claims 2-12 are also allowable at least due to their depending from claim 1.

Independent claims 13, 25, and 26, while of different scope, are allowable over *Jerding* for at least the same reasons discussed above in regard to claim 1. Claims 14-24 are also allowable at least due to their dependence from claim 13.

III. Conclusion

For the reasons given above, and those reasons provided in Appellant's Appeal Brief, Appellant respectfully submits that the rejections of claims 1-26 are in error and should be reversed.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: August 27, 2007

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